

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MANDRIEZ RAMON SPIVEY,

Petitioner,

v.

**UNITED STATES PROBATION
DEPARTMENT,**

Respondent.

**CIVIL ACTION NO.
5:20-cv-00173-TES**

ORDER

On June 3, 2020, the Court dismissed Spivey's Petition for Writ of Habeas Corpus as frivolous after granting him *in forma pauperis* status. [Doc. 4, p. 5]. Section 2254 Rule 11(a) provides that “[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.”¹ Rule 11(a), Rules Governing Section 2254 Cases. A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

In this case, issuance of a certificate of appealability is not warranted because, for the reasons noted in the Order dismissing Petitioner's habeas action, it is not debatable

¹ “Based on the statutory language of 28 U.S.C. § 2253(c)(1), state prisoners proceeding under § 2241 must obtain a [certificate of appealability] to appeal.” *Sawyer v. Holder*, 326 F.3d 1363, 1364 n.3 (11th Cir. 2003).

among jurists of reason whether the Court abused its discretion in dismissing

Petitioner's action. *See* [Doc. 4]; *Slack v. McDaniel*, 529 U.S. 473, 483–84 (2000).

Accordingly, the Court **DENIES** Petitioner a certificate of appealability.

SO ORDERED, this 27th day of August, 2020.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT